

PATENT

Docket No. GB920000066US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: D.C. Fallside et al.

APPLICATION NO. 09/583,479

Examiner: M. Cuff

FILED: May 31, 2000

Art Unit: 3627

TITLE: APPARATUS AND METHOD FOR OPTIMIZING
GROUP BULK PURCHASES

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any paper indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, MAIL STOP APPEAL BRIEF - PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, Attn.: Board of Patent Appeals and Interferences, on March 23, 2004.

3-23-04
Date

Lynn M. White
Lynn M. White

Commissioner of Patents
MAIL STOP APPEAL BRIEF - PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450
Attn.: Board of Patent Appeals and Interferences

RECEIVED
2004 MAR 29 PM 3:56
BOARD OF PATENT APPEALS
AND INTERFERENCES

REPLY TO EXAMINER'S ANSWER MAILED JANUARY 23, 2004

Sir:

This is in response to the Examiner's Answer mailed January 23, 2004.

RECEIVED

APR 09 2004

GROUP 3600

Response to Examiner's Arguments

In applicant's opinion, the source of disagreement between the applicant and the Patent Office in this application revolves around the well-known concept of pub/sub technology. As is clearly set forth on page 5 of the specification, pub/sub technology is "well known in the art as a means by which user programs may publish information the content of which is matched

with the interests of subscribers and forwarded to the subscribers.” Pub/sub technology evolved from the need to deliver messages in real time, especially to a large number of clients. The emphasis of pub/sub technology is to send data from one server to many clients as fast as possible. In this message tasking method, programs publish (send) messages related to subjects. Programs also subscribe to (register interest in) subjects. Once a program subscribes to a subject, it will receive any messages published to that subject in the distributed application. As noted in the initial Appeal Brief, as part of the pub/sub process, a pub/sub mechanism mediates the matching of buyers to sellers.

The Examiner has selected portions of the Walker reference and asserts that by generic definitions of “publish” and “subscribe”, Walker somehow teaches the pub/sub process of the mediated system claimed in the claims. Applicant does not claim to have invented the concept of “publishing” information using a computer, nor to the concept of “subscribing” to computer-generated information. Further, applicant does not claim to have invented pub/sub technology.

However, applicant has invented a method and system for placing group orders, mediated by a system, in which pub/sub technology is used to match sellers with purchasers, and then aggregating the information and selecting a best time and place for subscribers to place a group order. Walker cannot be considered to teach or suggest these claimed elements. The reasons are clearly set forth in the Appeal Brief.

As an example, the independent claims herein require publication by a publisher of certain information, which information is subsequently received by subscribers who have

March 23, 2004

subscribed to receive such information. The "publishing" step of Walker cited by the Examiner, that is, the description in column 6, lines 48-54, merely indicates that a conditional purchase order management system can provide a conditional purchase order by broadcasting a transmission or posting the conditional purchase order on an electronic bulletin board. This is no different than spamming or traditional advertising where offers are placed on a bulletin board for viewing. The registration process cited by the Examiner (column 9, lines 18-21) is merely the typical registration process solicited by any web-based seller for users of their system.

Clearly the teachings of Walker are not directed to pub/sub technology as it is known in the art and as it is claimed herein.


Conclusion

For the foregoing reasons and the reasons set forth in all papers of record, applicants respectfully request this Board to overrule the Examiner's rejection and allow claims 1-13.

Respectfully submitted,

3/23/04
Date

By:


Mark D. Simpson, Reg. No. 32,942

SYNNESTVEDT & LECHNER LLP
1101 Market Street
2600 Aramark Tower
Philadelphia, PA 19107
(215) 923-4466